

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications )  
and Energy on its own Motion into the Appropriate )  
Pricing, based upon Total Element Long-Run Incremental )  
Costs, for Unbundled Network Elements and Combinations) D.T.E. 01-20  
of Unbundled Network Elements, and the Appropriate )  
Avoided Cost Discount for Verizon for Verizon New )  
England, Inc. d/b/a Verizon Massachusetts' Resale Services)  
in the Commonwealth of Massachusetts )

**MOTION OF SPRINT COMMUNICATIONS COMPANY L.P.  
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

Pursuant to G.L. c. 25, § 5D, Sprint Communications Company L.P. requests that the Department of Telecommunications and Energy ("Department") grant this Motion for Protective Treatment in order to protect from public disclosure certain confidential and competitively sensitive information that was filed in the above-captioned proceeding. Specifically, Sprint requests that the following documents be kept confidential:

1. Portions of the Rebuttal Testimony of Sprint witness Randy G. Farrar; and
2. Sprint's responses to Verizon Information Request Set 1, Nos. 1-3, 1-5, 1-6, 1-12, 1-18, 1-19, 1-23, 1-25, 1-26, 1-28, 1-36, 1-43, 1-44, and 1-45.

**I. LEGAL STANDARD**

Confidential information may be protected from public disclosure in accordance with G.L. c. 25, § 5D, which states in part that:

The [D]epartment may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where

the need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

The Department has recognized that competitively sensitive information should be afforded protective status. *See, e.g., Hearing Officer's Ruling On the Motion of CMRS Providers for Protective Treatment and Requests for Non-Disclosure Agreement*, D.P.U. 95-59B, at 7-8 (1997).

## **II. ARGUMENT**

Certain portions of Mr. Farrar's testimony contain information that Verizon Massachusetts ("Verizon") has designated as proprietary, and Sprint has marked its testimony as such. Other portions of Mr. Farrar's testimony contain information regarding Sprint's costs and support for Sprint's cost studies in various states. Similar information is provided in Sprint's responses to the information responses submitted in this case as designated herein. Information regarding Sprint's cost studies is competitively sensitive, in that competitors may use this information to develop their own marketing strategies. For example, competitors could use this information to target sales in certain markets where Sprint's costs may be higher than those of a competitor. In addition, a competitor may determine how Sprint develops its costs and use that information to develop a competing costing approach. In so doing, a competitor would place Sprint at a competitive disadvantage.

The cost information should also be protected from public disclosure, because it contains proprietary information of other Sprint companies and is being treated as such by those regulatory agencies where the cost studies were originally filed. Also, some of Sprint's costs consist of vendor specific equipment-related charges that Sprint is contractually obligated not to disclose to the public.

Furthermore, Sprint's cost information is not publicly distributed or known outside of the company. Also, Sprint regularly and consistently seeks to prevent the dissemination of this type of information. In regulatory proceedings throughout the country, Sprint treats its cost information as proprietary and provides the information pursuant to executed proprietary agreements. This allows Sprint to protect its interests in a competitive environment.

### **III. CONCLUSION**

For these reasons, Sprint requests that the Department grant protection from public disclosure of this information. The Department has previously treated cost studies of other carriers as confidential and not subject to public disclosure. Sprint requests the same treatment in this proceeding.

Respectfully submitted,

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